

March 5, 2009



U.S. Department
of Transportation

East Building, PHH – 30
1200 New Jersey Avenue, Southeast
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 8228
(TWENTY FIRST REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of a small sample of an unapproved explosive substance or article to a U.S. government laboratory, U.S. government contractor laboratory, and certain law enforcement organizations in special packagings as prescribed herein. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.101(c) and § 172.203(k), in that "Sample for Laboratory Examination" must be substituted for the technical names required; § 172.102, Special Provision 113 requiring a tentative approval is waived, and §§ 173.56(b) and 175.3, in that prior examination, classification and approval of the explosive samples are waived.

5. BASIS: This special permit is based on the Pipeline and Hazardous Materials Safety Administration's (PHMSA) editorial review under § 107.121 initiated on December 4, 2008.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Samples, explosive, <i>other than initiating explosives</i> (Sample for Laboratory Examination)	1.4S	UN0190	II
Substances, explosive, n.o.s. (Sample for Laboratory Examination)	1.4S	UN0481	II

7. SAFETY CONTROL MEASURES:

a. Not more than 35 grams of any one type of Division 1.1C, 1.1D or 1.1G explosive substance, or not more than 5 grams of any one type of Division 1.1A or "forbidden" explosive substance which has been wetted to not less than 50 percent by weight with water, or not more than one explosive article having a gross weight of not more than 35 grams, must be packaged as follows:

Note: In no case may an inner packaging contain more than 35 grams net weight of explosives.

- (1) Inner Packaging: A metal, plastic or fiberboard receptacle, box or bottle, which is securely closed (a/k/a an "evidence container".) If the explosive is wetted, then the inner packaging must be water-proof.
- (2) Intermediate Packaging: Box, chipboard or cardboard, each containing one inner packaging cushioned with non-combustible materials.

(3) Outer Packaging: Specification 4G fiberboard box meeting Packing Group II requirements, each containing one intermediate packaging, cushioned with non-combustible materials.

- b. Only one sample of explosive substance or one explosive article per outside packaging is authorized per shipment.
- c. Shipping papers must include, and packages must be marked with the notation: **"SAMPLE FOR LABORATORY EXAMINATION"** in place of the technical names required by the § 172.101 Table and § 172.203(k), as shown in the table in Paragraph 6.

8. SPECIAL PROVISIONS:

- a. Only shipments by the grantees of this special permit and other law enforcement agencies under the direction and guidance of a Federal Government agency having grantee status to this special permit, are authorized when destined for and consigned directly to:
 - (1) a U.S. government laboratory;
 - (2) a U.S. Government contract laboratory;
 - (3) a state or local law enforcement organization; or,
 - (4) another ATF or FBI office, are authorized.
- b. The outer package must be legibly and durably marked with the following: "DOT-SP 8228"
- c. A current copy of this special permit must be maintained at each facility where the package is offered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, and cargo aircraft only.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each aircraft used to transport packages covered by this special permit. The shipper must furnish a current copy of this special permit to the air carrier before or at the time the shipment is tendered.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
 - o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when the special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) - 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: sln